

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES EASTMAN, On Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, LOUIS DIMARIA,
ALBERTO CRIBIORE, ARMANDO M.
CODINA, VIRGIS W. COLBERT, JOHN D.
FINNEGAN, AULANA L. PETERS,
CHARLES O ROSSOTTI, JILL K.
CONWAY, CAROL T. CHRIST, JUDITH
MAYHEW JONAS, JOSEPH W. PRUEHER,
ANN N. REESE, DAVID K. NEWBIGGING,
THE INVESTMENT COMMITTEE OF THE
MERRILL LYNCH & CO., INC. 401(K)
SAVINGS AND INVESTMENT PLAN, THE
ADMINISTRATIVE COMMITTEE OF THE
MERRILL LYNCH 401(K) SAVINGS AND
INVESTMENT PLAN, and JOHN DOES 1-
20,

Defendants.

Civil Action No.: 08-CV-0058 (LBS)

(Caption Continued)

**PLAINTIFF JAMES EASTMAN'S SUBMISSION REGARDING THE
APPOINTMENT OF INTERIM LEAD COUNSEL FOR THE CLASS**

ELIZABETH ESTEY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY
O'NEAL, CAROL T. CHRIST, ARMANDO M.
CODINA, VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE, JOHN D.
FINNEGAN, JUDITH MAYHEW JONAS,
DAVID K. NEWBIGGING, AULANA L.
PETERS, JOSEPH W. PRUEHER, ANN N.
REESE, CHARLES O. ROSSOTTI, LOUIS
DIMARIA , PETER STINGI and JOHN AND
JANE DOES 1-20,

Defendants.

Civil Action No. 07-CV-10268 (LBS)

MARY GIDARO, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., STAN
O'NEAL, LOU DIMARIA, INVESTMENT
COMMITTEE OF THE MERRILL LYNCH
SAVINGS AND INVESTMENT PLAN;
ADMINISTRATIVE COMMITTEE OF THE
MERRILL LYNCH SAVINGS AND
INVESTMENT PLAN and JOHN DOES 1-30,

Defendants.

Civil Action No. 07-CV-10273 (LBS)

(Caption Continued)

TARA MOORE, individually and on behalf of all others similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., MERRILL LYNCH & CO., INC. PLAN "INVESTMENT COMMITTEE," MERRILL LYNCH & CO., INC. PLAN ADMINISTRATIVE COMMITTEE, MERRILL LYNCH & CO., INC. MANAGEMENT DEVELOPMENT AND COMPENSATION COMMITTEE, LOUIS DIMARIA, E. STANLEY O'NEAL, ALBERTO CRIBIORE, ARMANDO M. CODINA, VIRGIS W. COLBERT, JOHN D. FINNEGAN, AULANA L. PETERS, and JOHN DOES 1-10,

Defendants.

Civil Action No. 07-CV-10398 (LBS)

GREGORY YASHGUR, individually and on behalf of all other similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC.,
ADMINISTRATIVE COMMITTEE OF THE
MERRILL LYNCH & CO., INC. 401K SAVINGS
AND INVESTMENT PLAN, JOHN D.
FINNEGAN, JUDITH JONAS MAYHEW,
AULANA L. PETERS, JOSEPH W. PRUEHER,
ANN N. REESE, CHARLES O. ROSSITTI,
LOUIS DIMARIA, STAN O'NEAL, ALBERTO
CRIBIORE, CAROL T. CHRIST, ARMANDO M.
CODINA, VIRGIS W. COLBERT and JOHN
DOES,

Defendants.

Civil Action No. 07-CV-10569 (LBS)

(Caption Continued)

CHRISTINE DONLON, On Behalf of All Others
Similarly Situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, CAROL T. CHRIST, ARMANDO M. CODINA, VIRGIS W. COLBERT, JILL K. CONWAY, ALBERTO CRIBIORE, LOUIS DIMARIA, JOHN D. FINNEGAN, JUDITH MAYHEW JONAS, AULANA L. PETERS, JOSEPH W. PRUEHER, ANN N. REESE, CHARLES O. ROSSOTTI, JOHN DOES 1-20 (BEING CURRENT AND FORMER MEMBERS OF THE BENEFITS ADMINISTRATION COMMITTEE OF THE MERRILL LYNCH & CO., INC. EMPLOYEE STOCK OWNERSHIP PLAN) and JOHN DOES 21-40 (BEING CURRENT AND FORMER MEMBERS OF THE INVESTMENT COMMITTEE OF THE MERRILL LYNCH & CO., INC. EMPLOYEE STOCK OWNERSHIP PLAN),

Defendants.

CARL ESPOSITIO, individually and on behalf of
all others similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, CAROL T. CHRIST, ARMANDO M. CODINA, VIRGIS W. COLBERT, JILL K. CONWAY, ALBERTO BRIBIORE, JOHN D. FINNEGAN, JUDITH MAYHEW JONAS, DAVID K. NEWBIGGING, AULANA L. PETERS, JOSEPH W. PRUEHER, ANN N. REESE, CHARLES O. ROSSOTTI, LOUIS DIMARIA, PETER STINGI, and JOHN AND JANE DOES 1-20,

Defendants.

(Caption Continued)

SEAN SHAUGHNESSEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., MERRILL
LYNCH & CO., INC. INVESTMENT
COMMITTEE, MANAGEMENT
DEVELOPMENT AND COMPENSATION
COMMITTEE OF THE MERRILL LYNCH &
CO., INC. BOARD OF DIRECTORS, THE
MERRILL LYNCH TRUST COMPANY, FSB,
ADMINISTRATIVE COMMITTEE OF THE
MERRILL LYNCH & CO., INC. 401K SAVINGS
AND INVESTMENT PLAN, LOUIS DIMARIA,
ARMANDO M. CODINA, VIRGIS W.
COLBERT, ALBERTO CRIBIORE, JOHN D.
FINNEGAN, AULANA L. PETERS, and JOHN
DOES 1-40,

Defendants.

Civil Action No.: 07-CV-10710 (LBS)

BARBARA BOLAND, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY
O'NEAL, CAROL T. CHRIST, ARMANDO M.
CODINA, VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE, JOHN D.
FINNEGAN, JUDITH MAYHEW JONAS,
DAVID K. NEWBIGGING, AULANA L.
PETERS, JOSEPH W. PRUEHER, ANN N.
REESE, CHARLES O. ROSSOTTI, and JOHN
AND JANE DOES 1-20,

Defendants.

Civil Action No. 07-CV-11054 (LBS)

(Caption Continued)

FRANCIS LEE SUMMERS, III, individually and
on behalf of all others similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., STAN O'NEAL; LOU DIMARIA; INVESTMENT COMMITTEE OF THE MERRILL LYNCH SAVINGS AND INVESTMENT PLAN; ADMINISTRATIVE COMMITTEE OF THE MERRILL LYNCH SAVINGS AND INVESTMENT PLAN; and JOHN DOES 1-30

Defendants.

DOMINICK J. PASCULLO and RAYMOND
GONZALES, on behalf of themselves and all
others similarly situated,

Plaintiffs,

V.

MERRILL LYNCH & CO., INC., MERRILL LYNCH & CO., INC. PLAN INVESTMENT COMMITTEE, MERRILL LYNCH & CO., INC. PLAN ADMINISTRATIVE COMMITTEE, MERRILL LYNCH & CO., INC. MANAGEMENT DEVELOPMENT AND COMPENSATION COMMITTEE, LOUIS DIMARIA, E. STANLEY O'NEAL, ALBERTO CRIBIORE, ARMANDO M. CODINA, VIRGIS W. COLBERT, JOHN D. FINNEGAN, AULANA L. PETERS and JOHN AND JANE DOES 1-20,

Defendants.

Plaintiff, James Eastman, by his undersigned counsel, respectfully submits this response regarding the appointment of interim lead plaintiffs and interim co-lead counsel.

Plaintiff Eastman strongly supports the applications of Shalov Stone Bonner & Rocco LLP and Harwood Feffer, LLP, and their clients, in the above-captioned ERISA actions, including but not limited to, the application entitled Plaintiffs Gidaro and Donlon's Joint Amended Motion for Entry of [Proposed] Pretrial Order No. 1 Consolidating the ERISA Actions and Appointing Interim Lead Plaintiffs and Interim Lead Counsel.

Plaintiff Eastman believes that the interests of the putative class are best represented in this instance by all counsel working cooperatively under the leadership of these two firms.

Dated: February 11, 2008

Respectfully submitted:

MILBERG WEISS LLP

/s/ Lori G. Feldman

Lori Feldman (LF 3478)

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Counsel for Plaintiff James Eastman

CERTIFICATE OF SERVICE

I, Sara Fuks, an associate with the law firm Milberg Weiss LLP, hereby certify that I caused a true and correct copy of Plaintiff James Eastman's Submission Regarding the Appointment of Interim Lead Counsel for the Class to be served with the Clerk of the Court using the CM/ECF system, which will send notifications of filing to the CM/ECF participants listed on the attached Service List, and caused all counsel listed on the Service List to be served by regular U.S. Mail on this 11th day of February 2008:

/s/ Sara Fuks

Sara Fuks

MERRILL LYNCH ERISA
SERVICE LIST

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| <p><u>Counsel for Plaintiffs:</u></p> | |
| <p>Wai Kin Chan LAW OFFICES OF CURTIS V. TRINKO, LLP 16 West 46th Street, 7th Floor New York, NY 10036 (T) 212.490.9550 (F) 212.986.0158</p> <p><i>Attorneys for Plaintiffs Elizabeth Estey and Tara Moore</i></p> | <p>Joseph H. Meltzer Edward W. Ciolko Katherine B. Bornstein Joseph A. Weeden SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP 280 King of Prussia Road Radnor, PA 19087 (T) 610.667.7706 (F) 610.667.7056</p> <p><i>Attorneys for Plaintiffs Elizabeth Estey and Tara Moore</i></p> |
| <p>Ralph M. Stone Thomas G. Ciarlone Amanda C. Scuder SHALOV STONE BONNER & ROCCO LLP 485 Seventh Avenue, Suite 1000 New York, NY 10018 (T) 212.239.4340 (F) 212.239.4310</p> <p><i>Attorneys for Plaintiff Mary Gidaro</i></p> | <p>Ronen Sarraf SARRAF GENTILE LLP 11 Hanover Square New York, NY 10005 (T) 212.868.3610 (F) 212.918.7967</p> <p><i>Attorneys for Plaintiff Mary Gidaro</i></p> |
| <p>Edwin J. Mills STULL, STULL & BRODY 6 East 45th Street New York, NY 10017 (T) 212.687.7230 (F) 212.490.2022</p> <p><i>Attorneys for Plaintiff Gregory Yashgur</i></p> | <p>Robert I. Harwood Samuel K. Rosen HARWOOD FEFFER LLP 488 Madison Avenue, 8th Floor New York, NY 10022 (T) 212.935.7400 (F) 212.753.3630</p> <p><i>Attorneys for Plaintiff Christine Donlon</i></p> |

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| <p><u>Counsel for Defendants:</u></p> | |
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